

Central Intelligence Agency

MSC. PERS.



Washington, D.C. 20505

OLL 85-2256

The Honorable Dave Durenberger
Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

16 August 1985

Dear Mr. Chairman:

Recently the House passed H.R. 2401, the Field Office Closing Justification Act. If enacted into law, this legislation would defer the closure or reorganization of any field office of any agency and any personnel actions incident thereto for 120 days. In addition, the agency proposing such action would be required to file a comprehensive report and impact analysis on the closure or reorganization to the Congress.

We wish to register our strong opposition to H.R. 2401, and to seek your assistance in obtaining relief for the Intelligence Community from the bill's application. For a number of reasons, the bill is incompatible with intelligence activities and would be harmful to the national security.

Of particular concern to the Community are the reporting requirements mandated by the bill. The required report to Congress must identify the office or offices involved, and the nature and the reasons for the proposed closure or reorganization. Furthermore, this report must compare the number of employees who are assigned to the office before and the number assigned immediately after the proposed action. An accounting for any difference in these numbers incident to the closure or reorganization, including a summary of personnel actions, also must be included.

In addition, a comparison must be made of the functions performed by the office before and after the implementation of the proposed action. The report must provide an assessment of the relative capability of the office to perform its assigned functions before and after its proposed reorganization. The agency must assess and report on the economic impact and other consequences of the reorganization on the community in which the office is located. Finally, there must be a statement of the cost, benefits and other effects expected to flow from the reorganization or closure.

This report must be submitted to Congress when it is in session. In practice then, the delay in closure or reorganization may be much longer than 120 days. Given the size of many CIA field offices, the transfer of two persons could trigger these reporting requirements. These reporting requirements are particularly troubling given the expressed purpose of the bill to bring this "entire process out into the open."

Application of this legislation to the CIA would be harmful to the national security. By its very nature, successful intelligence gathering and counterintelligence operations must be flexible and secure. Reorganizations, closures, and changes in function are contingent in many cases upon unique opportunities or unforeseen requirements. In many instances, the Agency takes a project approach for the accomplishment of an objective fully intending to close the office on completion of the project. Moreover, it is not uncommon for the Agency to have a one person field operation. Such reporting and the attendant statutory delay period are particularly troublesome with respect to cover operations where a function may have to be closed down overnight if its presence is disclosed. The impairment of intelligence activities that would result from this bill is unnecessary since there is no major reorganization or closure at the Agency of which the Intelligence Committees are not informed.

Preparation of these reports would be a substantial diversion of intelligence resources. In an increasingly complex and dangerous world, the Agency needs greater flexibility not rigidity in the allocation of human resources. Intelligence activities are extremely time sensitive and the delays required by H.R. 2401 are simply intolerable.

Accordingly, for the reasons stated above, we are strongly opposed to the enactment of H.R. 2401. Members of my legislative liaison staff are available to work with the Committee on this important matter.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this report.

Sincerely,

William J. Casey
Director of Central Intelligence

Central Intelligence Agency



Washington, D.C. 20505

OLL 85-2257

The Honorable William V. Roth, Jr.
Chairman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Recently the House passed H.R. 2401, the Field Office Closing Justification Act. If enacted into law, this legislation would defer the closure or reorganization of any field office of any agency and any personnel actions incident thereto for 120 days. In addition, the agency proposing such action would be required to file a comprehensive report and impact analysis on the closure or reorganization to the Congress.

We wish to register our strong opposition to H.R. 2401, and to seek your assistance in obtaining relief for the Intelligence Community from the bill's application. For a number of reasons, the bill is incompatible with intelligence activities and would be harmful to the national security.

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Sincerely,

William J. Casey
Director of Central Intelligence

30 MAY 1985

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99TH CONGRESS
1ST SESSION

H. R. 2401

To amend title 5, United States Code, to establish certain reporting requirements applicable in the case of any agency proposing to carry out removals, reductions in grade or pay, or other adverse personnel actions incident to closing, or changing the functions of, any of its field offices.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 1985

Mrs. SCHROEDER (for herself, Mr. ACKERMAN, Mr. APPLGATE, Mr. BARNES, Mrs. BOXER, Mrs. COLLINS, Mr. CROCKETT, Mr. DICKS, Mr. DWYER of New Jersey, Mr. FOLEY, Mr. FRANK, Mr. FUSTER, Mr. HAYES, Mr. HEFNER, Mr. HOWARD, Mr. KOSTMAYER, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. OWENS, Mr. ROE, Mr. SAVAGE, Mr. STAGGERS, Mr. STOKES, Mr. WHEAT, and Mr. WOLPE) introduced the following bill; which v as referred to the Committee on Post Office and Civil Service

A BILL

To amend title 5, United States Code, to establish certain reporting requirements applicable in the case of any agency proposing to carry out removals, reductions in grade or pay, or other adverse personnel actions incident to closing, or changing the functions of, any of its field offices.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Field Office Closing Jus-
5 tification Act".

1 SEC. 2. AMENDMENTS.

2 (a) REPORTING REQUIREMENT.—Chapter 35 of title 5,
3 United States Code, is amended by adding at the end thereof
4 the following:

5 “SUBCHAPTER VII—RETENTION OF EMPLOYEES
6 PENDING AGENCY REPORT ON PROPOSED
7 REORGANIZATIONS

8 “§3598. Definitions

9 “For the purpose of this subchapter—

10 “(1) ‘agency’ means an Executive agency, but
11 does not include the General Accounting Office or the
12 Department of Defense;

13 “(2) ‘field office’, as used with respect to an
14 agency, means any office or other unit of such agency
15 which is located within the United States and which is
16 not a part of the principal office of such agency;

17 “(3) ‘employee’ means an individual employed in
18 or under an agency, but does not include an individual
19 serving under a temporary appointment or on a season-
20 al or intermittent basis;

21 “(4) ‘furlough’ means the placing of an employee,
22 for nondisciplinary reasons, in a temporary status with-
23 out duties; and

24 “(5) ‘involuntary reassignment’, as used with re-
25 spect to an employee, means the involuntary reassign-
26 ment of such employee to a position outside the com-

1 muting area within which such employee's former posi-
2 tion is located.

3 **"§3598a. Reporting requirement**

4 "(a) An agency may not carry out any personnel action
5 described in subsection (b) unless, at least 120 days before
6 the effective date of the personnel action proposed, such
7 agency submits a written report to Congress providing the
8 information described in subsection (c).

9 "(b) This section applies with respect to any removal,
10 reduction in grade (or pay level), involuntary reassignment,
11 or furlough of any employee assigned to a field office of an
12 agency if that personnel action is incident to a decision—

13 "(1) to change the types or the number of func-
14 tions to be performed by such field office, or the
15 manner in which such functions are to be performed; or

16 "(2) to terminate the performance of any function,
17 in whole or in part, by such field office.

18 "(c) Any report submitted under this section with re-
19 spect to a reorganization described in paragraph (1) or (2) of
20 subsection (b) shall—

21 "(1) identify the field office involved and the
22 nature of, and the reasons for, the proposed reorgani-
23 zation;

24 "(2) compare the number of employees who are
25 assigned to such office before, and the number of em-

1 employees who would be assigned to such office immedi-
2 ately after, the proposed reorganization;

3 “(3) account for any difference under paragraph
4 (2) by including a summary of any personnel actions
5 proposed to be taken incident to the reorganization and
6 the number of employees who would be affected by
7 each type of personnel action proposed;

8 “(4) compare the functions performed by such
9 office before, and the functions which would be per-
10 formed by such office after, the proposed reorganiza-
11 tion;

12 “(5) assess the relative capability of such office to
13 perform its assigned functions before and after the pro-
14 posed reorganization, particularly with respect to any
15 functions which involve providing services to the
16 public;

17 “(6) estimate the economic impact and the other
18 consequences of the reorganization with respect to the
19 community within which such office is located; and

20 “(7) include a statement of the costs, benefits, and
21 other effects anticipated as a result of the reorganiza-
22 tion.

23 “(d) A report submitted to Congress under this section
24 shall be transmitted to both Houses on the same day and to
25 each House while it is in session.”.

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1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 35 of title 5, United States Code, is amended by
3 adding at the end thereof the following:

“SUBCHAPTER VII—RETENTION OF EMPLOYEES PENDING AGENCY
REPORT ON PROPOSED REORGANIZATIONS

“3598. Definitions.

“3598a. Reporting requirement.”.

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